

## Message Text

CONFIDENTIAL POSS DUPE

PAGE 01 MANILA 06872 201200Z

43

ACTION EA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-02

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 AID-05

/060 W

----- 103684

R 200857Z MAY 75

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 3582

INFO AMEMBASSY BANGKOK

AMEMBASSY CAANBERRA

AMEMBASSY JAKARTA

AMEMBASSY KUALA LUMPUR

AMEMBASSY SINGAPORE

C O N F I D E N T I A L MANILA 6872

CINCPAC FOR POLAD

E.O. 11652: GDS

TAGS: ASEAN, RP

SUBJECT: ASEAN DISPUTE SETTLEMENT MECHANISM

REF: (A) MANILA 6799

(B) KUALA LUMPUR 2697

(C) KUALA LUMPUR 2689

BEGIN SUMMARY: MANILA PRESS CONTINUES TO HIGHLIGHT  
ACCOMPLISHMENT OF KUALA LUMPUR ASEAN MINISTERIAL MEETING AND HAS  
PUBLISHED "MAIN PROVISIONS" (APPARENTLY TEXT) OF DRAFT TREATY  
INCLUDING PROCEDURE FOR PEACEFUL SETTLEMENT OF DISPUTES.  
LATTER WOULD ESTABLISH MINISTERIAL LEVEL "HIGH COUNCIL"  
WHICH COULD (IF PARTIES TO DISPUTE AGREE) ACT AS MEDIA-  
TOR. HOWEVERN ACCORDING MALAYSIAN AMBASSADOR, NO RPT  
NO AGREEMENT REGARDING PEACEFUL SETTLEMENT OF DISPUTES  
WAS INITIALLED AT KUALA LUMPUR. RATHER, HE SAID, PRE-  
LIMINARY AGREEMENT WILL BE DISCUSSED FURTHER AT  
MINISTERIAL LEVEL BEFORE SUMMIT WHICH MAY NOT TAKE PLACE  
CONFIDENTIAL  
CONFIDENTIAL

PAGE 02 MANILA 06872 201200Z

UNTIL DECEMBER. WOULD APPRECIATE ELUCIDATION FROM OTHER  
POSTS. END SUMMARY.

1. ACCORDING MANILA PRESS, NATIONAL SECURITY COUNCIL MEETS TODAY (MAY 20) TO DISCUSS ROMULO REPORT ON RECENT ASEAN MINISTERIAL MEETING IN KUALA LUMPUR. PRESS CONTINUES TO QUOTE ROMULO PRAISING ACCOMPLISHMENTS OF CONFERENCE AND PHILIPPINE ROLE THEREIN. PARTICULAR ATTENTION GIVEN TO DRAFT TREATY OF AMITY AND COOPERATION INCLUDING MECHANISM FOR SETTLEMENT OF DISPUTES WHICH ACCORDING ROMULO WAS INITIALED BY MINISTERS FOR SUBSEQUENT APPROVAL AT ASEAN SUMMIT.

2. GOVERNMENT NEWS AGENCY (PNA) CARRIED "MAIN PROVISIONS" OF DRAFT TREATY INCLUDING FOLLOWING PORTIONS RELATING TO DISPUTE SETTLEMENTC

ARTICLE 13 (IRRELEVANT FIRST PORTION DELETED)  
THE HIGH CONTRACTING PARTIES SHALL HAVE THE DETERMINATION AND GOOD FAITH TO PREVENT DISPUTES FROM ARISING. IN CASE DISPUTES ON MATTERS DIRECTLY AFFECTING THEM SHOULD ARISE, ESPECIALLY DISPUTES LIKELY TO DISTURB REGIONAL PEACE AND HARMONY, THEY SHALL REFRAIN FROM THE THREAT OR USE OF FORCE AND SHALL AT ALL TIMES SETTLE SUCH DISPUTES AMONG THEMSELVES THROUGH FRIENDLY NEGOTIATIONS.

ARTICLE 14  
REALIZING THAT ANY DISHARMONY AMONG THE HIGH CONTRACTING PARTIES WOULD AFFECT THE REGION AS A WHOLE, THE OTHER HIGH CONTRACTING PARTIES NOT PARTY TO THE DISPUTE MAY OFFER ALL POSSIBLE ASSISTANCE TO SOLVE THE SAID DISPUTE. PARTIES TO THE DISPUTE SHOULD BE WELL DISPOSED TOWARD SUCH OFFERS OF ASSISTANCE.

ARTICLE 15  
TO SETTLE DISPUTES THROUGH REGIONAL PROCESS, THE HIGH CONTRACTING PARTIES SHALL CONSTITUTE, AS A CONTINUING BODY, A HIGH COUNCIL COMPRISING A REPRESENTATIVE AT MINISTERIAL LEVEL FROM EACH  
CONFIDENTIAL  
CONFIDENTIAL

PAGE 03 MANILA 06872 201200Z

OF THE HIGH CONTRACTING PARTIES TO TAKE COGNIZANCE OF THE EXISTENCE OF DISPUTES OR SITUATIONS LIKELY TO DISTURB REGIONAL PEACE AND HARMONY.

ARTICLE 16  
IN THE EVENT NO SOLUTION IS REACHED THROUGH DIRECT NEGOTIATIONS, THE HIGH COUNCIL SHALL TAKE COGNIZANCE OF THE DISPUTE OR THE SITUATION AND SHALL RECOMMEND TO THE PARTIES IN DISPUTE APPROPRIATE MEANS OF SETTLEMENT SUCH AS GOOD OFFICES,

MEDIATION, INQUIRY OR CONCILIATION. THE HIGH COUNCIL MAY HOWEVER OFFER ITS GOOD OFFICES OR, UPON AGREEMENT OF THE PARTIES IN DISPUTE, CONSTITUTE ITSELF INTO A COMMITTEE OF MEDIATION, INQUIRY OR CONCILIATION. WHEN DEEMED NECESSARY, THE HIGH COUNCIL SHALL RECOMMEND APPROPRIATE MEASURES FOR THE PREVENTION OF A DETERIORATION OF THE DISPUTE OR THE SITUATION.

ARTICLE 17

NOTHING IN THIS TREATY SHALL PRECLUDE RECOURSE TO THE MODES OF PEACEFUL SETTLEMENT CONTAINED IN ARTICLE 33(1) OF THE CHARTER OF THE UNITED NATIONS. THE HIGH CONTRACTING PARTIES WHICH ARE PARTIES TO A DISPUTE SHOULD BE ENCOURAGED TO TAKE INITIATIVES TO SOLVE IT BY FRIENDLY NEGOTIATIONS BEFORE RESORTING TO THE OTHER PROCEDURES PROVIDED FOR IN THE CHARTER OF THE UNITED NATIONS.

3. COMMENT: ABOVE VERSION SEEMS TO ACCORD WITH NEW STRAITS TIMES ACCOUNT OF ASEAN FOREIGN MINISTERS JOINT PRESS CONFERENCE (ACCORDING WHICH ASEAN FONMINS "ACCEPTED" DRAFT. TREATY INCLUDING DISPUTE SETTLEMENT PROCEDURE) (REF.B.) HOWEVER, MALAYSIAN AMBASSADOR TOLD AMBASSADOR THAT NO RPT NO AGREEMENT RELATING TO PEACEFUL SETTLEMENT OF DISPUTES WAS INITIALLED AT KUALA LUMPUR. (THIS VERSION WHICH STRIKES US AS MUCH MORE CREDIBLE IS SUPPORTED BY REF.C.) MALAYSIA AMBASSADOR SAID PRELIMINARY AGREEMENT REACHED WOULD BE SUBJECT TO FURTHER DISCUSSION AT  
CONFIDENTIAL  
CONFIDENTIAL

PAGE 04 MANILA 06872 201200Z

ANOTHER MINISTERIAL MEETING WHICH WOULD HAVE MAIN PURPOSE OF SETTING AGENDA FOR ASEAN SUMMIT. SUMMIT ITSELF, HE SAID, WOULD NOT TAKE PLACE UNTIL DECEMBER.

4. WE WOULD APPRECIATE ELUCIDATION FROM OTHER SOURCES REGARDING VALIDITY OF GOP CLAIMS AND AUTHENTICITY OF ALLEGED MINISTERIAL DRAFT.  
SULLIVAN

CONFIDENTIAL

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** AGREEMENT DRAFT, DISPUTES, PRESS CONFERENCES, FOREIGN MINISTERS MEETINGS, SUMMIT MEETINGS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 20 MAY 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** CunninFX  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975MANILA06872  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D750176-1065  
**From:** MANILA  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1975/newtext/t19750536/aaaabgem.tel  
**Line Count:** 159  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION EA  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** 75 MANILA 6799  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** CunninFX  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 16 JUL 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <16 JUL 2003 by CunninFX>; APPROVED <17 NOV 2003 by CunninFX>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
05 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** ASEAN DISPUTE SETTLEMENT MECHANISM  
**TAGS:** PFOR, RP, ASEAN  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006